

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PANKAJ KUMAR PATHAK,

Plaintiff,

vs.

U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES, and UR  
JADDOU, Director,

Defendants.

**4:21CV3248**

**MEMORANDUM  
AND ORDER**

Plaintiff brings this suit against U.S. Citizenship and Immigration Services (“USCIS”) and its Director, Ur Jaddou, asserting that Defendants’ delay in adjudicating Plaintiff’s application for an immigrant visa is unlawful. (Filing 11, Amended Complaint.) Plaintiff moves for preliminary injunctive relief. (Filing 19.) Defendants oppose such relief and move to dismiss Plaintiff’s Amended Complaint. (Filing 28.)

Plaintiff alleges that Defendants’ processing of Plaintiff’s immigration application has been unreasonably delayed, unlawfully withheld, and is arbitrary and capricious in violation of the Administrative Procedure Act, 5 U.S.C. § 706(1) & (2)(A), and the Writ of Mandamus Act, 28 U.S.C. § 1361. Plaintiff requests that the court issue a writ of mandamus compelling Defendants to adjudicate Plaintiff’s immigration application before September 30, 2021; to declare the Defendants’ unreasonable delay in adjudicating Plaintiff’s application unlawful; and other relief that may be equitably necessary. (Filing 11 at CM/ECF pp. 44-45.)

This case was part of one case in the United States District Court for the District of Maryland involving 196 plaintiffs whose immigration applications were pending or being processed at USCIS service centers or field offices throughout the

United States. On September 29, 2021, 74 of those plaintiffs' cases were transferred to this court upon the order of United States District Judge for the District of Maryland, Peter J. Messitte, because those 74 plaintiffs had immigration applications pending in Lincoln, Nebraska. (Filing 37-1.)

On October 5, 2021, United States District Judge for the District of Nebraska John M. Gerrard issued a Memorandum and Order and Judgment in one of the 74 cases transferred to this court, *Misra v. U.S. Citizenship & Immigration Svs.*, No. 4:21CV3241 (D. Neb.) (Filings 41, 42). That case contained an Amended Complaint, pending motions, and briefing that are identical to those in the case now before me. After careful review of Judge Gerrard's thorough and well-written opinion, and for the reasons discussed therein, I will deny Plaintiff's motion for preliminary injunctive relief and grant the government's Motion to Dismiss. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Preliminary Injunction (Filing 19) is denied.
2. Defendants' Motion to Dismiss (Filing 28) is granted.
3. Plaintiff's Amended Complaint (Filing 11) is dismissed.
4. Judgment will be entered by separate document.

DATED this 15th day of October 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge